

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART AF: CATEGORY OF SERVICE REVIEW CRITERIA –  
BIRTH CENTER - ALTERNATIVE HEALTH CARE MODEL

**Section 1110.3110 Introduction**

- a) Subpart AF of this Part contains review criteria that pertain to the birth center model category of service. Definitions pertaining to this Subpart are contained in the Act, in 77 Ill. Adm. Code 1100 and 1130, and in the Alternative Health Care Delivery Act [210 ILCS 3]. The birth center model category of service is a demonstration program that is authorized by the Alternative Health Care Delivery Act [210 ILCS 3]. These birth center model review criteria are utilized in addition to the applicable review criteria of Subpart C and 77 Ill. Adm. Code 1120. This Subpart also contains the methodology the State Board shall utilize in evaluating competing applications, if any, for the establishment of any birth center models.
- b) A Certificate of Need (CON) permit shall be obtained to establish a birth center model. CON application forms are available from HFSRB's website ([www.hfsrb.illinois.gov](http://www.hfsrb.illinois.gov)).
- c) Failure to obtain a permit will result in the application of sanctions as provided for in the Illinois Health Facilities Planning Act (20 ILCS 3960).
- d) CON applications for permit received for the birth center model shall be deemed complete upon receipt by HFSRB.
- e) As the purpose of the demonstration project is to evaluate the birth center model for quality factors, access and the impact on health care costs, each applicant approved for the category of service will be required to periodically submit data necessary for evaluating the model's effectiveness.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1110.220 Birth Center Model-Definitions**

“Birth Center” or “Center” means an alternative health care delivery model that is *exclusively dedicated to serving the childbirth-related needs of women and their newborns and has no more than 10 beds. A birth center is a designated site that is away from the mother’s usual place of residence and in which births are*

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*planned to occur following a normal, uncomplicated, and low-risk pregnancy.*  
[210 ILCS 3/35]

“Federally Qualified Health Center” means a health center funded under section 330 of the Public Health Service Act (42 USC 254b).

“Perinatal Center” means a referral facility designated under the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) and intended to care for the high risk patient before, during, or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1110.3120 Birth Center - Alternative Health Care Model – Review Criteria**

- a) Location Requirements – Review Criteria
- 1) *There shall be no more than 10 birth center alternative health care models in the demonstration program...including:*
    - A) A total of four (4) located in the combined Cook, Du Page, Kane, Lake, McHenry and Will counties;
    - B) A total of three (3) located in municipalities with a population of 50,000 or more not located in an area described in “1)”; and
    - C) A total of three (3) located in rural areas.
  - 2) In each of the geographic groups identified above under subsection (a)(1), one birth center shall be owned or operated by a hospital; and one birth center shall be owned and operated by a federally qualified health center.
  - 3) Documentation
    - A) The applicant shall document that the proposed birth center will be located in one of the geographic areas, as provided in the Act and described above; and

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- B) The applicant shall document that the proposed birth center is owned or operated by a hospital; or owned or operated by a federally qualified health center.
- 4) As stated in Section 30 of the Act, *[t]here shall be no more than 2 birth centers authorized to operate in any single health planning area for obstetric services as determined under the Illinois Health Facilities Planning Act. If a birth center is located outside of a health professional shortage area,*
- A) *the birth center shall be located in a health planning area with a demonstrated need for obstetrical service beds, as determined by the Health Facilities and Services Review Board; or*
- B) *there shall be a reduction in the existing number of obstetrical service beds in the planning area so that the establishment of the birth center does not result in an increase in the total number of obstetrical service beds in the health planning area.*
- b) Service Provision to a Health Professional Shortage Area – Review Criterion
- The first three (3) birth centers authorized to be operated by IDPH shall be located in or provide service to a health professional shortage area, as determined by the U.S. Department of Health and Human Services. [210 ILCS 3/30]* The applicant shall document whether the proposed site is located in or will predominantly serve the residents of a health professional shortage area.
- c) Admission Policies – Review Criterion
- A birth center may not discriminate against any patient requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients.[210 ILCS 3/35]* Documentation shall consist of copies of all admission policies to be in effect at the facility and a signed statement that no restrictions on admissions due to these factors will occur.
- d) Bed Capacity – Review Criterion
- The applicant shall document that the proposed birth center will have no more than 10 beds.

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e) Staffing Availability– Review Criterion

The applicant shall document that relevant clinical and professional staffing needs for the proposed project were considered and that licensure staffing requirements can be met. In addition, the applicant shall document that necessary staffing is available by providing letters of interest from prospective staff members, completed applications for employment, or a narrative explanation of how the proposed staffing will be achieved.

g) Emergency Surgical Backup – Review Criterion

The applicant shall document that either:

- 1) The birth center will operate under a hospital license and will be *located within 30 minutes ground travel time from the hospital to allow for an emergency caesarian delivery to be started within 30 minutes of the decision that a caesarian delivery is necessary*; or
- 2) A contractual agreement has been signed with a licensed hospital for the referral and transfer of patients in need of an emergency caesarian delivery. *Birth centers shall be located within 30 minutes ground travel time from the licensed hospital to allow for an emergency caesarian delivery to be started within 30 minutes of the decision that a caesarian delivery is necessary.*[210 ILCS 3/35]

h) Education – Review Criterion

*A birth center shall offer prenatal care and community education services and shall coordinate these services with other health care services available in the community.*[210 ILCS 3/35] Documentation shall consist of signed and dated agreements with community health care services that will provide specified education services to birth center patients.

i) Inclusion in Perinatal System – Review Criterion

1) Requirements

- A) *At a minimum, the birth center's participation shall require a birth*

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*center to establish a letter of agreement with a hospital designated under the Perinatal System.*

- B) *A hospital that operated or has a letter of agreement with a birth center shall include the birth center under its maternity service plan under the Hospital Licensing Act and shall include the birth center in the hospital's letter of agreement with its perinatal center. [210 ILCS 3/30]*

2) Documentation

- A) A hospital that operated or has a letter of agreement with a birth center shall provide a copy of the hospital's letter of agreement with its perinatal center; and of copy of the hospital's maternity service plan.
- B) An applicant that is not a hospital shall identify the regional perinatal center that will provide neonatal intensive care services, as needed to the applicant birth center patients; and a letter of intent, signed by both the administrator of the proposed birth center and the administrator of the regional perinatal center, shall be provided.

j) Medicare/Medicaid Certification – Review Criterion

The applicant shall document that the proposed birth center will be certified to participate in the Medicare and Medicaid programs under titles XVIII and XIX, respectively, of the federal Social Security Act.

k) Charity Care – Review Criterion

*All birth centers shall provide charitable care consistent with that provided by comparable health care providers in the geographic area. [210 ILCS 3/30]* The applicant shall provide to HFSRB a copy of the charity care policy that will be adopted by the proposed birth center.

l) Quality Assurance– Review Criterion

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*Each birth center shall implement a quality assurance program with measurable benefits...* [210 ILCS 3/30] The applicant shall provide to HFSRB a copy of the quality assurance program to be adopted by the birth center.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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